

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

MARY JONES AND JOSEPH	)	
ALFORD,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO. 1:06cv585-WHA
	)	
HOUSTON COUNTY SHERIFF'S	)	
DEPARTMENT, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Pursuant to the Defendant Michael Capshaw's Motion to Dismiss (Doc. #13), Defendants Mark Culver, Houston County and the Houston County Commission's Motion to Dismiss (Doc. #15) and Plaintiffs' Notice of Dismissal (Doc. #20), the Motions are GRANTED and it is hereby ORDERED as follows:

- (1) Defendant Michael Capshaw is DISMISSED from this action, without prejudice.
- (2) Defendant Mark Culver is DISMISSED from this action, without prejudice.
- (3) Defendant Houston County, Alabama is DISMISSED from this action, without prejudice.
- (4) Defendant Houston County Commission is DISMISSED from this action, without prejudice.
- (5) Fictitious party pleading is not permitted in federal court. McClure v. Houston County, Ala., 306 F. Supp. 2d 1160, 1162 n.1 (M.D. Ala. 2003) (citing New v. Sports & Recreation, Inc., 114 F.3d 1092, 1094 n.1 (11th Cir.1997)). Therefore, Fictitious Defendants "A" through "L" are DISMISSED.

(5) This cause of action will proceed against the following Defendants: Thomas Flathmann, Lamar Glover, and the Houston County Sheriff's Department.

Done this the 25th day of August, 2006.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE